

**REMARKS**

Claims 1-12 have been rejected under 35 U.S.C. § 112 for indefiniteness. Claims 1 and 7 were deemed indefinite in that the claims are drawn to the planting of two hybrid of any plant species. These claims have been amended in accordance with the Examiner's suggestion, overcoming the rejection.

Claims 1 and 7 have also been deemed indefinite as it is unclear whether each block contains a mixture of two hybrids or whether each block contains only one of the two hybrids. Claims 1 and 7 have been amended to clarify that the hybrids are planted in alternating blocks of rows which leads to blocks of two separate types of grain, descriptive basis for which may be found on page 7, line 8, *et seq.*

Claims 1-12 have been rejected under 35 U.S.C. § 112 for lack of enablement. The Examiner alleges that given the claim breadth, unpredictability and lack of guidance, undue experimentation would have been required by one skilled in the art to obtain separate harvesting of seed from different maize hybrids which are planted in mixed blocks, which are planted in homogenous blocks less than four rows wide, or which are homozygous recessive or dominant for a multitude of non-kernel traits. Claims 1 and 7 have been amended to show that the blocks are not heterozygous and are at least four rows wide. Claims 3 and 9 have been cancelled as repetitive in view of such amendment. Further, claims 1 and 7 have been amended to state that the traits are triploid, descriptive basis of which may be found in the specification at page 6.

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearlstein, et al. (US 5,675,064) in view of Bergquist, et al. (US 5,706,603) further in view of Nagle, et al. (US 5,954,883). Pearlstein teaches starch obtained from a grain produced by crossing a double mutant *aewx* by either *su1wx*, *duwx*, or *sh1wx*. Both the hybrids crossed are double homozygous recessive. In contrast, the present invention discloses the crossing of two hybrids, one of which is heterozygous, one of which is homozygous recessive for two desired traits and the other of which is homozygous recessive for one of the two desired traits and homozygous dominant for the other desired trait. Pearlstein also does not teach the planting of these hybrids in blocks of rows and the separate harvesting of each hybrid. Finally, Pearlstein does not teach the sugary-2 allele, Applicants' elected species.

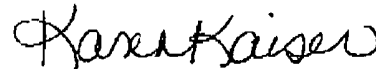
Bergquist, et al. teaches the crossing of two hybrids, one of which has been rendered male sterile. However, Bergquist also does not teach the crossing of two hybrids, one of which is heterozygous, one of which is homozygous recessive for two desired traits and the other of which is homozygous recessive for one of the two desired traits and homozygous dominant for the other desired trait. The Examiner states that Bergquist teaches separate harvesting of the grain. Applicants request that the Examiner specifies the column and line number of this teaching as Applicants do not see such statement and note that Bergquist in his summary and claims states "harvesting the resulting corn grain on all plants." Further, the Examiner states that Bergquist teaches planting the two hybrids in blocks. Applicants request that the Examiner specifies the column and line number of this teaching as Applicants do not see such statement and note that Bergquist in his summary and claims state that the hybrids are randomly interplanted.

Nagle teaches the crossing of two hybrids, one of which is heterozygous, one of which is homozygous recessive for two desired traits and the other of which is homozygous recessive for one of the two desired traits and homozygous dominant for the other desired trait. However, Nagle does not teach the plant of such hybrids in blocks.

In combining all of the references cited, there is no teaching of planting the two hybrids in alternate blocks and harvesting the hybrids separately. Thus, the obviousness rejection has been overcome.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,



Karen G. Kaiser  
Attorney for Applicants  
Reg. No. 33,506

National Starch and Chemical Company  
P.O. Box 6500  
Bridgewater, NJ 08807-0500  
(908) 575-6152

Dated: 28 May 04